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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 In re:  
14 LEONOR M. DE LOS SANTOS,  
15 Debtor.

16 \_\_\_\_\_  
17 LEONOR M. DE LOS SANTOS,  
18 Plaintiff(s),  
19 v.  
20 NATIONSTAR, LLC, et al.,  
21 Defendant(s).

22 \_\_\_\_\_  
23 LEONOR M. DE LOS SANTOS,  
24 Appellant(s),  
25 v.  
26 CAM I TRUST/HMC ASSETS, LLC, et al.,  
27 Appellee(s).  
28 \_\_\_\_\_

Bankruptcy Case No. 14-10902 MKN  
Adv. Case No. 14-01091-MKN  
Case No. 2:14-cv-1522 JCM

**OPPOSITION TO APPELLANT'S  
MOTION TO EXTEND TIME TO FILE  
BRIEF**

Appellees, CAM I TRUST and HMC ASSETS, LLC, by through their attorneys of record  
the law firm of Wright, Finlay & Zak, LLP, hereby submit the instant Opposition to Appellant's  
Motion to Extend Time to File Brief.

1 This is Appellant's third time seeking to extend time file her Reply brief and the Court  
2 has been gracious enough to grant her prior requests before an opposition could be filed.  
3 Appellant has a long history of delaying legal proceedings including filing five different Chapter  
4 13 bankruptcies in the U.S. Bankruptcy Court, District of Nevada in attempts to stall foreclosure  
5 on her investment property that is subject to this action/appeal.

6 The first bankruptcy case was filed on November 10, 2009 (see Case No. 09-31352-  
7 MKN), and was dismissed on December 3, 2010 for many reasons including infeasibility of plan  
8 and failure to provide documents. The second case was on June 11, 2011 (see Case No. 11-  
9 18661-MKN), and was dismissed on November 22, 2011 for many reasons including failure to  
10 make plan payments and lack of eligibility for Chapter 13 relief. The third case was filed on  
11 April 23, 2013 (see Case No. 13-13471) just days after CAM I Trust received its foreclosure  
12 judgment in the Eighth Judicial District Court, Clark County, Nevada (Case No. A-12-656582).  
13 This third case was dismissed about two months later on June 14, 2013 for failure to provide  
14 documents. The fourth case was filed on August 12, 2013 (see Case No. 13-16923), which was  
15 a day or two prior to a scheduled sheriff's sale on the judicial foreclosure judgment. (See  
16 Appellee's Appendix CAM000010). This fourth case was dismissed on October 3, 2013 for,  
17 once again, De Los Santos' failure to provide documents.

18 The fifth and latest bankruptcy case was filed on February 13, 2014. In this case, De Los  
19 Santos retained counsel who filed on her behalf a motion under 11 U.S.C. § 362(c)(4)(B) to  
20 impose the automatic stay since it did not go into effect as a result of her two previously  
21 dismissed Chapter 13 proceedings in the same calendar year. CAM, through HMC Assets,  
22 opposed the motion and the judge denied the motion without prejudice. The bankruptcy court  
23 also confirmed that no stay was in effect in its denial order.

24 On May 23, 2014, De Los Santos, pro se, commenced an adversary proceeding by filing  
25 an Application for Preliminary Injunction and recorded a lis pendens on the Subject Property.  
26 (See Appellee's Appendix, CAM0000001 & 000044). The Application was in the form of a  
27 motion and no adversary complaint was filed. (See Appellee's Appendix CAM0000001-  
28 0000007). The Application sought to stop CAM's May 28, 2014 sheriff's sale because De Los

1 Santos did not believe CAM or HMC had standing to foreclose. (See Id.). However, De Los  
2 Santos failed to set the Application for hearing and no Notice of Hearing was filed. Without the  
3 automatic stay or temporary restraining order/preliminary injunction in effect, CAM proceeded  
4 with the scheduled sheriff's sale on May 28<sup>th</sup> and acquired the Subject Property through credit  
5 bid. (See Appellee's Appendix CAM000067-000069). Later on June 27, 2014, De Los Santos,  
6 through her bankruptcy counsel, even filed a Chapter 13 Plan #2 wherein she proposed to  
7 surrender the Subject Property to CAM. (See Appellee's Appendix CAM000155).

8 On July 28, 2014, CAM and HMC Assets filed a Motion to Dismiss Adversary Case and  
9 Expunge Lis Pendens. (See Appellee's Appendix CAM000018). On September 3, 2014, the  
10 bankruptcy court entered its Order on Motion to Dismiss which granted CAM/HMC Assets'  
11 Motion to Dismiss and expunged the lis pendens. (See Appellee's Appendix CAM 000096). On  
12 September 17, 2014, De Los Santos filed a Notice of Appeal on the Order granting CAM/HMC  
13 Asset's Motion to Dismiss, which is presently pending before this Court.

14 On December 9, 2014, the bankruptcy court dismissed the underlying bankruptcy case in  
15 this matter on the bankruptcy trustee's motion. (See Appellee's Appendix CAM). The  
16 bankruptcy court found that De Los Santos had failed to make plan payments and therefore  
17 confirmation of her plan was denied. (See Id.). The fifth case and the even the adversary case  
18 are now closed.

19 Based upon the foregoing, it is unclear what De Los Santos hopes to accomplish by  
20 another late filing of her Reply brief. The underlying bankruptcy case which this appeal stems  
21 from has been dismissed and the adversary case closed. The property subject to this action has  
22 been sold and acquired by CAM and the tenants have been lawfully evicted. No monetary  
23 damages are at issue in this case as the relief sought was purely equitable relief to stop CAM and  
24 HMC from lawfully foreclosing and evicting the tenants. All relief sought by De Los Santos is  
25 now moot. The Court should not cater to De Los Santos' additional delay tactics in keeping a  
26 frivolous appeal pending that only wastes this Court's and CAM/HMC's valuable time and  
27 resources.

28

1 Accordingly, CAM respectfully requests that the Court deny any further extension of  
2 time to file a Reply brief and submit the matter for decision on the existing briefing and  
3 documents, pleadings and papers in the bankruptcy matters below.

4 DATED this 11<sup>th</sup> day of March, 2015.

5  
6 WRIGHT, FINLAY & ZAK, LLP

7  
8 /s/Jory C. Garabedian, Esq.

9 Jory C. Garabedian, Esq.

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11 *Attorney for CAM I Trust & HMC Assets, LLC*

12 **CERTIFICATE OF MAILING**

13 I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP; that  
14 service of the foregoing **OPPOSITION TO APPELLANT'S MOTION TO EXTEND TIME**  
15 **TO FILE BRIEF** was made on the 11<sup>th</sup> day of March, 2015, to all parties and counsel as  
16 identified on the Court-generated Notice of Electronic Filing and to the following by depositing a  
17 true copy of same in the United States Mail, at Las Vegas, Nevada, addressed as follows:  
18

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28 /s/Jill M. Sallade

An Employee of WRIGHT, FINLAY & ZAK, LLP